

**ASSEMBLY BILL**

**No. 104**

---

---

**Introduced by Assembly Member Lowenthal**

January 10, 2003

---

---

An act to add Section 1365.2 of the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

AB 104, as introduced, Lowenthal. Common interest developments: account books.

The Davis-Stirling Common Interest Development Act defines and regulates common interest developments. The act requires that an association manage the common interest development and that the association make available specified financial documents to the members of the association.

This bill would require an association to make the books of account of the association available for inspection and copying by a member of the association, or the member's designated representative, at any reasonable time, in a location within the common interest development. The bill would permit the member to bring an action to enforce the right to inspect and copy from the books of account, and would require a court to award the member reasonable costs and expenses, as specified, if it finds that the association unreasonably withheld access to the books. The bill would also permit the court to assess a civil penalty of up to \$500 for each violation.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1365.2 is added to the Civil Code, to  
2 read:

3 1365.2. (a) The association shall make the books of account  
4 of the association available for inspection and copying by a  
5 member of the association, or the member's designated  
6 representative, at any reasonable time, in a location within the  
7 common interest development.

8 (b) A member of an association may bring an action to enforce  
9 the right to inspect and copy from the books of account. If a court  
10 finds that the association unreasonably withheld access to the  
11 books of account, the court shall award the member reasonable  
12 costs and expenses, including reasonable attorney's fees, and may  
13 assess a civil penalty of up five hundred dollars (\$500) for each  
14 violation.

